

SENATE, No. 3397

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 4, 2021

Sponsored by:

Senator STEPHEN M. SWEENEY

District 3 (Cumberland, Gloucester and Salem)

Senator MICHAEL L. TESTA, JR.

District 1 (Atlantic, Cape May and Cumberland)

SYNOPSIS

Incorporates boardwalks into transportation local aid program and provides for Local Aid Infrastructure Fund grants to boardwalk projects.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/1/2021)

1 **AN ACT** providing funding for boardwalks in the transportation
2 local aid program and amending Title 27 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. Section 3 of P.L.1984, c.73 (C.27:1B-3) is amended to read
8 as follows:

9 3. The following words or terms as used in this act shall have
10 the following meaning unless a different meaning clearly appears
11 from the context:

12 "Act" means this New Jersey Transportation Trust Fund
13 Authority Act of 1984 as amended and supplemented.

14 "Authority" means the New Jersey Transportation Trust Fund
15 Authority created by section 4 of this act.

16 "Bonds" means bonds issued by the authority pursuant to the act
17 and includes prior bonds and transportation program bonds.

18 "Circle of Mobility" means an essential group of related transit
19 projects that include (1) the New Jersey Urban Core Project, as
20 defined in section 3031 of the "Intermodal Surface Transportation
21 Efficiency Act of 1991," Pub.L.102-240, and consisting of the
22 following elements: Secaucus Transfer, Kearny Connection,
23 Waterfront Connection, Northeast Corridor Signal System, Hudson
24 River Waterfront Transportation System, Newark-Newark
25 International Airport-Elizabeth Transit Link, a rail connection
26 between Penn Station Newark and Broad Street Station, Newark,
27 New York Penn Station Concourse, and the equipment needed to
28 operate revenue service associated with improvements made by the
29 project, and (2) the modification and reconstruction of the West
30 Shore Line in Bergen County connected to Allied
31 Junction/Secaucus Transfer Meadowlands Rail Center; the
32 construction of a rail station and associated components at the
33 Meadowlands Sports Complex; the modification and reconstruction
34 of the Susquehanna and Western Railway, as defined and provided
35 in section 3035 (a) of the "Intermodal Surface Transportation
36 Efficiency Act of 1991"; the modification and reconstruction of the
37 Lackawanna Cutoff Commuter Rail Line connecting Morris, Sussex
38 and Warren Counties to the North Jersey Transportation Rail
39 Centers; and commuter rail service in the central New Jersey region
40 terminating at the proposed Lakewood Transportation Center in
41 Ocean County or other location, as determined by the Board of the
42 New Jersey Transit Corporation, pursuant to a resolution of the
43 board providing for the achievement of a consensus among the
44 interested parties as to the direction of the proposed rail line;
45 provided, however, that this 2000 amendatory act shall not be

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 construed as affecting any priorities which may have been assigned
2 to any other project in the Circle of Mobility.

3 "Commissioner" means the Commissioner of Transportation.

4 "Department" means the Department of Transportation.

5 "Federal aid highway" means any highway within the State in
6 connection with which the State receives payment or reimbursement
7 from the federal government under the terms of Title 23, United
8 States Code or any amendment, successor, or replacement thereof,
9 for the purposes contained in the act.

10 "Federal government" means the United States of America, and
11 any office, department, board, commission, bureau, division,
12 corporation, agency, or instrumentality thereof.

13 "New Jersey Highway Authority" means the public corporation
14 created by section 4 of P.L.1952, c.16 (C.27:12B-4) or its
15 successor.

16 "New Jersey Turnpike Authority" means the public corporation
17 created by section 3 of P.L.1948, c.454 (C.27:23-3) or its successor.

18 "Notes" means the notes issued by the authority pursuant to the
19 act.

20 "Permitted maintenance" means, in relation to public
21 transportation projects and transportation projects, direct costs of
22 work necessary for preserving or maintaining the useful life of
23 public transportation projects and transportation projects,
24 respectively, provided the work performed is associated with the
25 acquisition, installation, and rehabilitation of components which are
26 not included in the normal operating maintenance of equipment and
27 facilities or replaced on a scheduled basis. The work shall ensure
28 the useful life of the public transportation project or transportation
29 project for not less than five years and shall not include routine
30 maintenance or inspection of equipment and facilities that is
31 conducted on a scheduled basis. This definition shall not apply to
32 the term "maintenance" as used in the definition of "public
33 highways." In relation to public highways, "permitted maintenance"
34 means the direct costs of work necessary for preserving or
35 maintaining the useful life of public highways, provided the work is
36 not associated with the regular and routine maintenance of public
37 highways and their components. The work shall ensure the useful
38 life of the transportation project for not less than five years.

39 "Prior bonds" means bonds issued pursuant to the authorization
40 contained in P.L.1995, c.108 and P.L.2006, c.3 and any bonds
41 issued to refund such prior bonds.

42 "Public highways" means public roads, streets, expressways,
43 freeways, parkways, motorways and boulevards, including bridges,
44 tunnels, overpasses, underpasses, interchanges, rest areas, express
45 bus roadways, bus pullouts and turnarounds, park-ride facilities,
46 traffic circles, grade separations, traffic control devices, the
47 elimination or improvement of crossings of railroads and highways,
48 whether at grade or not at grade, boardwalks, promenades, bicycle

1 and pedestrian pathways and pedestrian and bicycle bridges
2 traversing public highways, and any facilities, equipment, property,
3 rights of way, easements and interests therein needed for the
4 construction, improvement, and maintenance of highways.

5 "Public transportation project" means, in connection with public
6 transportation service, passenger stations, shelters and terminals,
7 automobile parking facilities, ferries and ferry facilities, including
8 capital projects for ferry terminals, approach roadways, pedestrian
9 accommodations, parking, docks, and other necessary land-side
10 improvements, ramps, track connections, signal systems, power
11 systems, information and communication systems, roadbeds, transit
12 lanes or rights of way, equipment storage, pedestrian walkways and
13 bridges connecting to passenger stations and servicing facilities,
14 bridges, grade crossings, rail cars, locomotives, motorbuses and
15 other motor vehicles, maintenance and garage facilities, revenue
16 handling equipment and any other equipment, facility, or property
17 useful for or related to the provision of public transportation
18 service.

19 "South Jersey Transportation Authority" means the public
20 corporation created by section 4 of P.L.1991, c.252 (C.27:25A-4) or
21 its successor.

22 "State agency" means any office, department, board,
23 commission, bureau, division, agency, or instrumentality of the
24 State.

25 "Toll road authorities" means and includes the New Jersey
26 Turnpike Authority, the New Jersey Highway Authority, or its
27 successor, and the South Jersey Transportation Authority.

28 "Transportation program bonds" means bonds issued pursuant to
29 the authorization contained in P.L.2012, c.13, P.L.2016, c.56, and
30 any bonds issued to refund such transportation program bonds.

31 "Transportation project" means, in addition to public highways
32 and public transportation projects, any equipment, facility or
33 property useful or related to the provision of any ground,
34 waterborne, or air transportation for the movement of people and
35 goods including rail freight infrastructure, which equipment,
36 facility, or property may be acquired by purchase or lease.

37 "Transportation system" means public highways, public
38 transportation projects, other transportation projects, and all other
39 surface, airborne, and waterborne methods of transportation for the
40 movement of people and goods.

41 (cf: P.L.2016, c.56, s.1)

42

43 2. Section 25 of P.L.1984, c.73 (C.27:1B-25) is amended to
44 read as follows:

45 25. a. Notwithstanding the provisions of subtitle 4 of Title 27 of
46 the Revised Statutes and P.L.1946, c.301 (C.27:15A-1 et seq.), the
47 commissioner may, pursuant to appropriations or authorizations
48 being made from time to time by the Legislature according to law,

1 allocate to counties and municipalities funds for the planning,
2 acquisition, engineering, construction, reconstruction, repair,
3 resurfacing and rehabilitation of public highways and the planning,
4 acquisition, engineering, construction, reconstruction, repair,
5 maintenance and rehabilitation of public transportation projects and
6 of other transportation projects which a county or municipality may
7 be authorized by law to undertake.

8 b. The commissioner shall, pursuant to appropriations or
9 authorizations being made from time to time by the Legislature
10 according to law, allocate at his discretion State aid to counties and
11 municipalities for transportation projects, except that the amount to
12 be appropriated for this program shall be seven percent of the total
13 amount appropriated pursuant to subsection d. of this section. This
14 State aid shall be set aside prior to any formula allocations provided
15 for in subsections c., d., e., f., and g. of this section, and shall be
16 known as the "Local Aid Infrastructure Fund." In the fiscal year
17 commencing July 1, 2016, any amount appropriated to the Local
18 Aid Infrastructure Fund above \$7,500,000 shall be deposited into
19 the State Transportation Infrastructure Bank Fund, established
20 pursuant to section 34 of P.L.2016, c.56 (C.58:11B-10.4).

21 c. The commissioner shall, pursuant to appropriations or
22 authorizations being made from time to time by the Legislature
23 according to law and pursuant to the provisions of subsections b.
24 and d. of this section, allocate State aid to municipalities for public
25 highways under their jurisdiction. The amount to be appropriated
26 shall be allocated on the basis of the following distribution factor:

27
$$DF = \frac{Pc}{Ps} + \frac{Cm}{Sm}$$

30 where, DF equals the distribution factor

31 Pc equals county population

32 Ps equals State population

33 Cm equals combined municipal road and boardwalk mileage
34 within the county

35 Sm equals combined municipal road and boardwalk mileage
36 within the State.

37 After the amount of aid has been allocated based on the above
38 formula, the commissioner shall determine priority for the funding
39 of municipal projects within each county, based upon criteria
40 relating to volume of traffic, safety considerations, growth
41 potential, readiness to obligate funds, and local taxing capacity. In
42 addition to the above criteria used in determining priority of
43 funding of municipal projects in each county, the commissioner
44 shall consider whether a project is intended to remedy hazardous
45 conditions as identified for the purposes of providing transportation
46 pursuant to N.J.S.18A:39-1.2 for school pupils or to improve
47 pedestrian safety.

1 For the purposes of this subsection, (1) "population" means the
2 official population count as reported by the New Jersey Department
3 of Labor and Workforce Development; **and** (2) "municipal road
4 mileage" means that road mileage under the jurisdiction of
5 municipalities, as determined by the department; and (3)
6 "boardwalk mileage" means the mileage of elevated pedestrian
7 walkways or footpaths, regardless of construction material, which
8 allows pedestrians to cross wet, fragile, sandy, or marshy land and
9 which is owned or maintained by municipalities, as determined by
10 the department.

11 d. There shall be appropriated at least \$175,000,000 for each
12 fiscal year commencing July 1, 2006 through the fiscal year
13 commencing July 1, 2015, and \$400,000,000 for each fiscal year
14 commencing July 1, 2016 and for each fiscal year thereafter, for the
15 purposes provided herein and in subsections b., c., e., f., and g. of
16 this section. (1) Of that appropriation, the commissioner shall
17 allocate 37.5 percent of the total appropriation as State aid for
18 municipalities pursuant to the provisions of subsection c. of this
19 section, provided that \$5,000,000 for each fiscal year commencing
20 July 1, 2006 through the fiscal year commencing July 1, 2015, and
21 \$10,000,000 for each fiscal year commencing July 1, 2016 and for
22 each fiscal year thereafter of the amount allocated as State aid for
23 municipalities shall be set aside and sub-allocated as State aid to
24 any municipality qualifying for aid pursuant to the provisions of
25 P.L.1978, c.14 (C.52:27D-178 et seq.). The commissioner shall
26 allocate the aid to each municipality in the same proportion that the
27 municipality receives aid under P.L.1978, c.14 (C.52:27D-178 et
28 seq.). (2) The commissioner shall allocate 37.5 percent of the total
29 appropriation pursuant to the provisions of subsection e. of this
30 section for the Local County Aid Program. (3) The commissioner
31 shall allocate seven percent of the total appropriation pursuant to
32 the provisions of subsection b. of this section for the "Local Aid
33 Infrastructure Fund." (4) The commissioner shall allocate seven
34 percent of the appropriation pursuant to the provisions of subsection
35 f. of this section for the "Local Freight Impact Fund." (5) The
36 remaining 11 percent of the appropriation shall be allocated
37 pursuant to the provisions of subsection g. of this section for the
38 "Local Bridges Fund."

39 e. The commissioner may, pursuant to appropriations or
40 authorizations being made from time to time by the Legislature
41 according to law, allocate additional funding to the Local County
42 Aid Program for public highway projects, in accordance with a
43 formula similar to that provided for in subsection c. of this section,
44 except that Cm equals road and boardwalk mileage under county
45 jurisdiction and Sm equals total county road and boardwalk mileage
46 within the State.

47 f. The commissioner shall, pursuant to appropriations or
48 authorizations being made from time to time by the Legislature

1 according to law, allocate at the commissioner's discretion, State aid
2 to counties and municipalities for transportation projects that
3 address the impacts of freight travel in local communities and on
4 local transportation infrastructure, except that the amount to be
5 appropriated for this program shall be seven percent of the total
6 amount appropriated pursuant to subsection d. of this section. This
7 State aid shall be set aside prior to any formula allocations provided
8 for in subsections c., d., e., and g. of this section, and shall be
9 known as the "Local Freight Impact Fund."

10 g. The commissioner shall, pursuant to appropriations or
11 authorizations being made from time to time by the Legislature
12 according to law, allocate at the commissioner's discretion, State aid
13 to counties and municipalities for transportation projects that
14 address the condition of bridges under the jurisdiction of counties
15 with an emphasis on repair and reconstruction of those with the
16 greatest structural deficiencies, except that the amount to be
17 appropriated for this program shall be 11 percent of the total
18 amount appropriated pursuant to subsection d. of this section. This
19 State aid shall be set aside prior to any formula allocations provided
20 for in subsections c., d., e., and f. of this section, and shall be
21 known as the "Local Bridges Fund."

22 (cf: P.L.2016, c.56, s.9)

23

24 3. (New section) Notwithstanding the provisions of Section 25
25 of P.L.1984, c.73 (C.27:1B-25), or any other law to the contrary,
26 beginning with State fiscal year 2022 and continuing through State
27 fiscal year 2031, of the amounts granted to counties and
28 municipalities through the Local Aid Infrastructure Fund, pursuant
29 to section 25 of P.L.1984, c.73 (C.27:1B-25), not less than
30 \$4,000,000 per year shall be awarded as grants in support of public
31 highway projects that construct, reconstruct, or repair boardwalks
32 and promenades in the State.

33

34 4. This act shall take effect immediately

35

36

37 STATEMENT

38

39 This bill amends the definition of public highway to include
40 boardwalks. The bill also amends the State transportation local aid
41 program formula for the distribution of county aid and municipal
42 aid to include boardwalk mileage in addition to county and
43 municipal road mileage respectively. This provides counties and
44 municipalities with the same amount of annual local aid funding for
45 each mile of boardwalk that they must maintain as they receive for
46 each mile of road that they must maintain.

47 The bill also requires the Commissioner of Transportation
48 (commissioner) to provide no less than \$4 million per year in grants

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- 1 from the Local Aid Infrastructure Fund for boardwalk projects in
- 2 State Fiscal Years 2022 through 2031. The Local Aid Infrastructure
- 3 Fund is a discretionary grant pool that the commissioner may award
- 4 to projects not covered by the other local aid program categories.